

I RESPONSES TO PROPOSED PLAN PUBLIC MEETING COMMENTS

1. *Comment: Current Proposed Plan does not provide technical and legal rationale for off-site removal. Amend the plan so that it describes how Superfund criteria are and are not met by the three alternatives.*

Response: Withdrawing the Proposed Plan and reissuing a revised plan would delay the actual removal of the Shattuck monolith because an additional public comment period would be necessary. Rather than have such a delay, USEPA has addressed your concerns in the wording of the ROD.

2. *Comment: Off-site removal is the only option that meets mandated siting requirements for managing radioactive wastes.*

Response: USEPA has rewritten its comparative evaluation of the alternatives in the Decision Summary of the ROD Amendment which selects the offsite removal remedy as the alternative that best protects human health and the environment and complies with ARARs.

3. *Comment: Alternatives 1 and 2 do not meet legal and technical requirements and do not meet ARARS.*

Response: USEPA has rewritten its comparative evaluation of the alternatives in the Decision Summary of the ROD Amendment which selects the offsite removal remedy as the alternative that best protects human health and the environment and complies with ARARs.

4. *Comment: Alternatives 1 and 2 are not protective of human health and the environment.*

Response: USEPA has rewritten its comparative evaluation of the alternatives in the Decision Summary of the ROD Amendment which selects the offsite removal remedy as the alternative that best protects human health and the environment and complies with ARARs.

5. *Comment: We want the waste removed.*

Response: The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.

6. *Comment: The conclusion that all three alternatives would provide adequate protection of human health and the environment is contrary to the evidence, law and statements in the Proposed Plan. Withdraw this plan and release a new plan that clearly states that Alternatives 1 and 2 are not acceptable.*

Response: Withdrawing the Proposed Plan and reissuing a revised plan would delay the actual removal of the Shattuck monolith because an additional public comment period would be necessary. Rather than have such a delay, USEPA has addressed your concerns in the wording of the ROD.

7. *Comment: The community strongly supports Alternative three. Alternative 1 does not protect human health and the environment and does not meet ARARS. Alternative 2 proposes a better cover; would like to know more about the design being proposed and how it would last 200 to 1000 years.*

Response: Alternative 2 was postulated to provide an on-site alternative to off-site removal which would address the technical uncertainties identified in the Five-Year Review. The replacement cover design was not detailed, but in general, involves substitution of the geosynthetic clay liner with several inches of compacted natural clay material.

8. *Comment: EPA's decision to change the original 1991 remedy from removal to on-site disposal was shocking.*

Response: USEPA Region 8 and CDPHE believed on-site disposal to be the most cost effective way to reduce risks from the contamination at the Shattuck site.

9. *Comment: Alternatives one and two are not protective. Stands behind Alternative three. The community is ready for USEPA to become the agency that the name implies.*

Response: The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.

10. *Comment: A three minute limit for comments is egregious.*

Response: During the meeting, the facilitator explained that three minutes was set for the first round of comments to give all who wanted to comment an equal opportunity. Those with comments requiring additional time after the first round would have been accommodated.

11. *Comment: USEPA did not have copies of the Proposed Plan available at the beginning of the meeting.*

Response: Copies of the Proposed Plan were available at the beginning of the meeting, and additional copies were supplied during the meeting. USEPA regrets any shortages.

12. *Comment: Alternatives 1 and 2 do not follow ARARS.*

Response: USEPA has rewritten its comparative evaluation of the alternatives in the Decision Summary of the ROD Amendment which selects the offsite removal remedy as the alternative that best protects human health and the environment and complies with ARARs.

13. *Comment: USEPA does not believe that they made an improper or illegal decision in their original remedy*

Response: That is correct. USEPA selected the original remedy in accordance with CERCLA and the NCP. The fact that the original remedy was not the preferred option of the local community does not make it a wrong decision. USEPA selected this amendment in accordance with the NCP and just as with the original remedy paid attention to the importance of community acceptance of the remedy.

14. *Comment: The cost of removal is higher than any estimate given before. The cost of leaving the waste on site is lower than any estimate given before.*

Response: Your comment is not consistent with the facts. Previous removal estimates ranged to \$48 million. The on-site alternatives described in the recent Proposed Plan have never been evaluated previously; therefore their cost estimates cannot be compared with previous on-site alternatives.

15. *Comment: Alternatives 1 and 2 are not protective and it's an insult to put them out as possibilities.*

Response: USEPA must consider a no action alternative (Alternative 1) in its remedy evaluation. Since cap enhancements (Alternative 2) were evaluated by the Five Year Review and are potentially a viable alternative to address the concerns raised by the Five-Year Review and the community, USEPA included an evaluation of this alternative in the Proposed Plan.

16. *Comment: USEPA has incorrect cost numbers to protect Citigroup from having to pay anything. USEPA says the original remedy was and is protective to protect Citigroup.*

Response: Superfund guidance advises us to think of cost estimates as a range of costs, from +50% to -30% of the point value we report. Without more information from you showing us that we missed something or grossly overestimated something, the cost estimate range provides USEPA sufficient information to differentiate between alternatives. Our position about the original remedy has never stemmed from a motivation to limit a PRP's liability.

17. *Comment: USEPA must include all documentation from the Ombudsman's Shattuck hearings, Ombudsman's interviews with state and USEPA officials, USEPA response team report, five-year review, [U.S. Geological Survey] USGS report, and public comment in the administrative record and in the preparation of any proposed plans, RODs, etc.*

Response: In general, documents should be included in the record file if they were considered or relied upon in selecting the response action. Many of the documents you are citing have been considered, and accordingly, placed into the Administrative Record. USEPA has included transcripts from all the Ombudsman's hearings and interviews in the administrative record. The Emergency Response Team report has also been added to the administrative record. Only the January 29, 2000, Ombudsman's hearing took place during the public comment period so the responsiveness summary only addresses Shattuck-related comments from that hearing.

18. *Comment: Alternative 3 is the only one that meets statutory requirements.*

Response: USEPA has rewritten its comparative evaluation of the alternatives in the Decision Summary of the ROD Amendment which selects the offsite removal remedy as the alternative that best protects human health and the environment and complies with ARARs.

19. *Comment: Encourage USEPA to create a ROD which specifies a full range of deficiencies for Alternatives 1 and 2, and how Alternative 3 eliminates these problems as a way of creating the final piece of community healing that we need, and that is for Citigroup to participate constructively in cleaning up this problem.*

Response: The ROD presents USEPA decision to remove the waste to an off-site licensed disposal and/or recycling facility. The ROD includes the technical,

legal and other criteria that USEPA used to reach this decision. USEPA intends to pursue negotiations with the Potentially Responsible Party (PRP) on this matter.

- 20.** *Comment: USEPA should listen. USEPA has said that all three alternatives are protective. USEPA is doing this to ease themselves out of any wrongdoing. It also sets up the PRP to step out of the remedy and US citizens to pick up the tab.*

Response: Sections 1 and 3 of the “evaluation of alternatives” in the Proposed Plan makes clear that alternatives 1 and 2 do not provide the long-term protectiveness that is essential in achieving overall protectiveness. Alternative 3 is the alternative which best meets the protectiveness criterion. Our position about the original remedy in the Proposed Plan has never stemmed from a motivation to limit a PRP's liability.

- 21.** *Comment: Only Option 3 is acceptable to the community; Options 1 and 2 are totally unacceptable.*

Response: The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.

- 22.** *Comment: Removal is the only option acceptable to this community.*

Response: The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.

- 23.** *Comment: USEPA must use the safest standards and cleanup methods available to prevent dust and truck traffic problems.*

Response: The removal action and remedy will include safety standards, dust mitigation and transportation planning to provide for the greatest safety and protectiveness to workers and the community.

- 24.** *Comment: Groundwater should not be a separate issue. Expedite the cleanup of groundwater.*

Response: The scope and role of the Proposed Plan addresses the monolith and any untreated contaminated soils. This ROD amendment will not address groundwater restoration. We have deferred any further reconsideration of the groundwater component of the original remedy until after we conduct a supplemental field investigation, collect additional groundwater data, and

update the site conceptual model. We expect the update to the site conceptual model to quantify a waste load evaluation of the contaminated groundwater contribution to the South Platte. A decision on whether the groundwater remedy should be amended will be made after these additional studies are completed.

25. *Comment: USEPA compromises remedies, and therefore puts the community at risk, to save money for big business such as Shattuck.*

Response: USEPA does not select remedies that put communities at risk in order to minimize the cost of the remedy to the PRP.

26. *Comment: USEPA is willing to sell out future generations. Even if the remedy worked, it would last for only 200 years while several contaminants have a half life five to eight times that long.*

Response: Remedies selected to comply with the longevity requirements in the relevant and appropriate regulations are designed to last for 1000 years. Any design robust enough to work for such a long time will certainly perform for at least 200 years. USEPA would be required to review the performance of the monolith every five years to assure that it remained effective. The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.

27. *Comment: Take exception to neighborhood being labeled permanent radioactive storage facility.*

Response: The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.

28. *Comment: Removal is the only alternative. Look forward to working on this process so that we can have a safe neighborhood again.*

Response: USEPA is preparing a community involvement plan (CIP) which identifies effective ways for the community to work on this process before removal starts and throughout the conduct of removal operations. The CIP will also prescribe standard practices for community involvement process issues. We expect most of these issues will be resolved at the community advisory group meetings.

29. *Comment: If a community is clear and says, we don't want this, that should be the only criteria.*

Response: Community acceptance of a remedy is only one of the criteria that USEPA considers in evaluating remedial alternatives. The NCP was written and approved to respond to the congressional mandate in the Superfund law that selection of a remedial alternative come from a process that balances several, sometimes conflicting, criteria.

30. *Comment: Don't want to live with the dump site, to grow up with it.*

Response: The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.

31. *Comment: Speaking for State Representative Jennifer Veiga: strongly supports EPA's preferred alternative, and as soon as possible.*

Response: The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.

32. *Comment: Support removal of the waste.*

Response: The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.

33. *Comment: USEPA should try and get some money back from Citigroup.*

Response: USEPA intends to pursue negotiations with the PRPs on this matter.

34. *Comment: If design location is illegal and if dump is unlined, how can USEPA continue to support it?*

Response: USEPA selected the original remedy in accordance with the NCP. The fact that the original remedy was not the preferred option of the local community does not make it a wrong decision. USEPA selected this amendment also in accordance with the NCP and just as with the original remedy paid attention to the importance of community acceptance of the remedy.

35. *Comment: We need to move the waste.*

Response: The selected remedy is removal of the waste to a licensed disposal

and/or recycling facility.

- 36.** *Comment: What happens if railroad is going to be built over there and why was waste put there in the first place?*

Response: Removal of the waste will allow future site use that is supported by and beneficial to the community. USEPA Region 8 believed on-site disposal to be the most cost-effective way to reduce risks from the contamination at the Shattuck Site.

- 37.** *Comment: Support removal of waste - it's not an integral part of the neighborhood.*

Response: The selected remedy is removal of the waste to a licensed disposal and/or recycling facility.